

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA)	
)	
V.)	No. 3:20-CR-00021
)	
ANMING HU)	Judges Varlan/Poplin
)	

DEFENDANT’S MOTION *IN LIMINE* TO EXCLUDE STATEMENTS AND
TESTIMONY REGARDING CHINESE UNIVERSITIES BEING CORPORATIONS
WITHOUT PROPER KNOWLEDGE OR EXPERIENCE

Now comes Anming Hu, by and through counsel, and moves this Honorable Court to exclude statements, opinion, or testimony regarding the ownership or incorporation status of relevant Chinese Universities, such as the Beijing University of Technology (“BJUT”), without proper knowledge or experience.

A lay witness's testimony is limited to an opinion that is “rationally based on the witness’s perception.” Fed. R. Evid. 701. Further, “A witness may testify to a matter only if evidence is introduced sufficient to support a finding that the witness has personal knowledge of the matter.” Fed. R. Evid. 602. The witness’s own testimony may provide evidence to prove personal knowledge. *Id.* Although “[t]his rule does not apply to a witness’s expert testimony,” at the defendant's request, the government must give to the defendant a written summary of any (expert) testimony that the government intends to use under Rules 702, 703, or 705 of the Federal Rules of Evidence during its case-in-chief at trial.”

The Government has not provided an expert testimony summary, or any disclosure, that suggests that they will call an expert witness to testify regarding the status of relevant Chinese universities. Further, any lay witness’s opinion concerning the same must be based on rational perception and personal knowledge.

For the reasons discussed above, unless the Government provides expert witness disclosure or a lay witness with proper knowledge and experience, they cannot put forth any statements regarding the ownership or incorporation status of any relevant Chinese university, including BJUT.

WHEREFORE, the Defendant requests this Honorable Court to EXCLUDE any testimony, statements, or opinions regarding the ownership or incorporation status of relevant Chinese universities.

Respectfully submitted this 21st day of May, 2021

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CERTIFICATE OF SERVICE

I do hereby certify that a copy of the foregoing document was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by U. S. Mail. Parties may access this filing through the Court's electronic filing system.

s/A. Philip Lomonaco